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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

**In the Matter of the Seizure of:**

Any and all funds held in Republic Bank of  
Arizona Account(s) xxxx1889, xxxx2592,  
xxxx1938, xxxx2912, and, xxxx2500.

Case No. 2:18-cv-06742-RGK (PJW)

**[RELATED CASES**

2:18-cv-08420; 2:18-cv-08423;  
2:18-cv-08551; 2:18-cv-08555;  
2:18-cv-08556; 2:18-cv-08565;  
2:18-cv-08566; 2:18-cv-08568;  
2:18-cv-08569; 2:18-cv-08570;  
2:18-cv-08577; 2:18-cv-08578;  
2:18-cv-08579; 2:18-cv-08588;  
2:18-cv-08592; 2:18-cv-08723;  
2:18-cv-08730; 2:18-cv-08747;  
2:18-cv-08748; 2:18-cv-08749;  
2:18-cv-08750; 2:18-cv-08753;  
2:18-cv-08754; 2:18-cv-08759;  
2:18-cv-08760; 2:18-cv-08763;  
2:18-cv-08764; 2:19-cv-07032;  
2:19-cv-07039; 2:19-cv-07044;  
2:19-cv-07048 ]

**CLAIMANTS' RESPONSE TO  
ORDER TO SHOW CAUSE**

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34 *Attorneys for Scott Spear*

1       Claimants Michael Lacey, James Larkin, John Brunst, Scott Spear, Medalist  
 2 Holdings, Inc., Leeward Holdings, LLC, Camarillo Holdings, LLC, Vermillion  
 3 Holdings, LLC, Cereus Properties, LLC, and Shearwater Investments, LLC  
 4 (“Claimants”), by and through their undersigned counsel, file the instant Response to  
 5 Order to Show Cause. The United States filed 31 civil forfeiture complaints over the  
 6 course of the last year, with all defendant assets alleged to be proceeds from, or  
 7 otherwise related to, the operation of Backpage.com, formerly an online publisher of  
 8 third-party advertisements. The substantive allegations in each complaint are  
 9 substantially similar or near-identical. The complaints also have other minor  
 10 variations, as the United States made minor changes in the complaints over time.  
 11 Claimants therefore agree that the 31 civil forfeiture complaints (with the exception  
 12 of case no. 18-cv-06742-RGK-PJW) share sufficient common questions of fact or  
 13 law such that it is logical for the Court to consolidate these actions for pretrial  
 14 purposes under Fed. R. Civ. P. 42(a). Claimants request that the Court postpone any  
 15 decision on whether, and to what extent, the civil forfeiture complaints should be  
 16 consolidated for trial and judgment until the conclusion of pretrial proceedings.<sup>1</sup>

17       Fed. R. Civ. Pro. 42(a) authorizes the Court to issue “any other orders to avoid  
 18 unnecessary cost or delay.” If the Court consolidates the 31 civil forfeiture actions, it  
 19 would be helpful if the Court were to direct the United States to file a single,  
 20 consolidated master complaint, for the convenience of the Court and the parties. Such  
 21 a complaint could provide an administrative summary of the claims brought by the  
 22 United States in the 31 actions, with the individual complaints retaining their separate  
 23 status. *See, e.g., In re General Motors LLC Ignition Switch Litig.*, 2015 WL 3619584, at \*7-  
 24 8 (S.D.N.Y. June 10, 2015). This would allow Claimants to respond to just one  
 25 complaint, rather than burdening the Court with 31 separate responses.

26  
 27 <sup>1</sup> The Court need not decide now whether “separate judgments should still issue in  
 28 each of the Backpage Forfeiture Actions,” as the United States requests in its response.  
 The Court can take that issue up at the conclusion of pretrial proceedings.

Finally, with respect to this case, 18-cv-06742-RGK-PJW, the pending motions in here are substantively and procedurally different from the 31 civil forfeiture complaints and are briefed and ready for argument and decision. Therefore, Claimants request that the Court ***not*** consolidate 18-cv-06742-RGK-PJW with the 31 civil forfeiture actions at this juncture.

By: /s/ Whitney Z. Bernstein  
Whitney Z. Bernstein  
Attorneys for James Larkin

By: /s/ Ariel A. Neuman  
Ariel A. Neuman  
Attorneys for John Brunst

By: /s/ Paul J. Cambria, Jr.  
Paul J. Cambria, Jr.  
Attorneys for Michael Lacey

1 DATED: December 9, 2019

John K. Rubiner  
2 BARTON, KLUGMAN & OETTING LLP

3 By: */s/ John K. Rubiner*

4 John K. Rubiner  
5 Attorneys for Scott Spear

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## CERTIFICATE OF SERVICE

I certify that on this 9<sup>th</sup> day of December, 2019, I electronically transmitted a PDF version of this document to the Clerk of the Court, using the CM/ECF System, for filing and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants listed below.

s/ Toni Thomas  
Toni Thomas

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